



2026:UHC:227-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

06TH JANUARY, 2026

WRIT PETITION (PIL) No. 35 OF 2025

Miss Vinita Negi. ..Petitioner
Versus

Secretary, Department of Tourism and others. ..Respondents

Counsel for the petitioner.	:	Ms. Vinita Negi, petitioner, party-in-person.
Counsel for respondent nos. 1, 3, 4 & 5.	:	Mr. S.S. Chaudhary, learned Standing Counsel for the State of Uttarakhand.
Counsel for respondent nos. 2 & 7.	:	Mr. Sandeep Kothari, learned counsel.
Counsel for respondent no. 6.	:	Mr. Bhuwan Bhatt, learned counsel.
Counsel for respondent no. 8.	:	Mr. Piyush Garg and Ms. Priyanka Agarwal, learned counsels.

JUDGMENT : (per Sri G. Narendar, C.J.)

We have heard the petitioner, party-in-person, and the learned counsels for the respondents, including private respondent no. 8.

2. The facts, in a nutshell, are that the property known as 'George Everest Estate' was acquired by the Uttarakhand Tourism Department, and land to the extent of 142 acres has now been leased to the eighth respondent under a validly invited bid; and that the eighth respondent, being the successful bidder, has been handed over the land parcel for the George Everest Estate, and photographs have been placed before this Court to show the developments.



Though the bid is of the year 2022, and contract was signed in the year 2023, the instant Writ Petition is preferred in the year 2025. Be that as it may, despite the delay, the petitioner has only sought for the following reliefs :

“(i) To issue a writ, order or direction in the nature of Mandamus commanding respondent no. 8 to restrain operation of toll barrier at Common Park Estate Road at George Everest Mussoorie.

(ii) To issue a writ, order or direction in the nature of Mandamus commanding respondent no. 8 to remove the gate at Jhanditop as the same was not allowed by respondent no.2. at George Everest Mussoorie, substantiated by Annexure 12 in the writ petition.

(iii) Issue a writ, order or direction in the nature of Mandamus, commanding the Respondent No. 8, not to execute any further air safari's as the helipad is in proximity to Binog wild life sanctuary and is a prohibited and silent zone as substantiated by respondent no.5 and attached as Annexure 4 to this writ petition.

(iv) Issue a writ, order or direction in the nature of Mandamus, commanding the user agency i.e. Respondent No. 2 to bring to record all the compliance certificate pertaining to letter number 8 B /U.C.P/09/111/2020/F.C./2201 dated 29.01.2021 issued by Ministry of Environment, Forest and Climate Change (MoEFCC), government of India and attached as Annexure 22 to this writ petition.

(v) Issue a writ, order or direction in the nature of Mandamus, commanding Respondent No. 1, 2 to allow the community and local entrepreneurs participation and the entire project has been envisaged to benefit the community and locals.

(vi) Any other order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

(vii) Award cost to the petition.”

3. Initially, the Writ Petition was entertained on the short ground that the bidder has established a barrier and was collecting toll from the locals. It now transpires that the George Everest property is situated at the end of the road, and that the road is a dead end. The party-in-person is unable to detail, as to who are the persons, who are actually affected by the collection.



4. Be that as it may, the road, being a public road, the question of the eighth respondent imposing any restriction, or collecting any toll or fare, for traversing on public road is wholly out of question. In that view, we are of the opinion that the instant Writ Petition need not be held on board, and could be disposed of by confirming the interim order dated 17.03.2025, whereby the eighth respondent was restrained from imposing or collecting any toll fee for such of those persons - the tourists or locals, who wish to use the said road alone. In fact, the interim order dated 17.03.2025 reads as under :

"Ms. Vinita Negi, petitioner, present in person.

2. Mr. K.N. Joshi, learned Deputy Advocate General for the State.

3. Mr. Sandeep Kothari, learned counsel for respondent nos. 2 and 7.

4. Mr. Bhuwan Bhatt, learned counsel for respondent no. 6.

5. Ms. Priyanka Aggarwal, learned counsel for respondent no. 8.

6. We have heard the petitioner-party in person and Mr. Sandeep Kothari, learned counsel for Uttarakhand Tourism Development Board and Ms. Priyanka Aggarwal, learned counsel for respondent no. 8.

7. Ms. Priyanka Aggarwal, learned counsel has handed over a copy of the contract said to have been signed between the UTDB and the licensee and a copy of the letter of award.

8. The contract does not anywhere mention handing over the public road. In fact, the list of project facilities to be provided to the operator by the UTDB is (1) 142 acres of land, (map of the site duly approved by Nagar Palika Mussoorie is enclosed), but, we find that the same is not enclosed in the copy handed over to the Court; (2) Parking for 30 LMV; (3) Pathways; (4) Helipad; (5) Wooden Huts-05 Nos, (6) Cafe-01; (7) Museum-02 and (8) Observatory. It nowhere includes the public road said to be pre-existing the conception and completion of the George Everest Adventure Sports Park.

9. We have perused the contract. In the absence of specific empowerment, the collection of the toll by the 8th respondent appears to be per-se illegal.



11. The respondent no. 2 shall produce the original of the documents i.e. the DPR, the decision of the Board to auction the operating rights of the park and the decision of the Board justifying in accepting the license fee of Rs. 1 Crore, which works out approximately 4% of the investment made, and the lease amount escalation of 3% of the agreed lease amount.

5. Placing on record, and confirming the interim order as above, the Writ Petition stands rejected.

6. After the disposal of the Writ Petition, counsel for the eighth respondent submits that measures were put in place only to regulate the chaotic traffic, and no toll was collected.

7. In view of the above order, the said submission does not require any further consideration.

8. The Writ Petition stands ordered accordingly.

As a sequel thereto, the miscellaneous petitions, if any pending, shall stand closed.

G. NARENDAR, C.J.

SUBHASH UPADHYAY, J.

Dt: 06th January, 2026
Rahul

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PRAJAPATI

Digitally signed by RAHUL PRAJAPATI
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